

REMARKS

In view of the above amendment, applicant believes the pending application is in condition for allowance.

REJECTION UNDER 35 U.S.C. § 112

Claims stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point and distinctly claim the subject matter which Applicant regards as the invention. This rejection is respectfully traversed.

Applicants respectfully disagree with the Examiner's interpretation of claim 8 and corresponding descriptive portions of the specification. First embodiment of the present invention is clearly described in the body of the specification (or e.g., paragraphs [009] to [0110] of U.S. Patent Application Publication No. 2005/0085121 A1). Generally, in paragraph [0126], it is described that "(n)ext, the construction of a linear object identification tag according to a fifth embodiment of the present invention is described, with reference to FIG. 19 and FIG. 20. Because this linear identification tag 10D is the same as the aforementioned linear object identification tag 10 according to the first embodiment except that it has two band holes 13 provided on the clip part 1j, description of parts which are the same is omitted". We believe that (a structure of) claim 8 is clearly described and supported in the specification.

The Examiner in the Office Action states that "(c)laim 8 is confusing when read together with parent claim 1 is unclear since figures 19, 20 device is not clearly shown to include the claim 1 "holding part" and specification does not make clear that figure 19, 20 tag includes such a part (8 in figure 1) as well as holes 13, 13." Perhaps further

explanation is in order. Claim 1 states that "a holding part is formed for folding the object inside the tag", whereas claim 8 states that "the tag further has a band for fixing the tag to the object". Thus, it is clear that the holding part recited in claim 1 and the band recited in claim 8 are means that are different from one another. It is also clear that the tag 10D shown in FIGs. 19 and 20 include "holding part" recited in claim 1 as well as holes 13, 13.

REJECTION UNDER 35 U.S.C. § 102

Claims 1, 7, 9-10, 12 stand rejected under 35 U.S.C. § 102(b) as being anticipated by or in the alternative, under 35 U.S.C. 103(a) as obvious over Germany 3908917 alone or in view of Europe 568510 and PCT 90/10284. This rejection is respectfully traversed.

Claim 1 has been revised to more clearly recite the feature of the present invention by adding thereto the limitation recited in sub claim 8. Specifically, claim 1 now recites a clip body having a base part (6) and a pair of clip parts (1a, 1b) openably joined to the base part (6), and a holding part formed on an inner face (6s) of at least one of the clip parts (1a, 1b) for holding the linear object (40) inside the linear object identification tab (10). Claim 1 further recites that the linear object identification tag (10) further comprises a band (30) for fixing the linear object identification tag (10) to another linear object (40), and two or more band holes (13, 13) for passing the band (30) there through are formed on at least one of the clip parts (1a, 1b).

Applicants submit that none of the references cited wither discloses or suggests the revised structure recited in amended claim 1. In other words, claim is patentable over German 3908917, European 568510, PCT 90/10284 and Piana (US 4,876,810). Further,

claims 2 through 7 and 9, 10 and 12 through 15 are patentable at least by reason of their dependency upon amended claim 1.

REJECTION UNDER 35 U.S.C. § 103


Claim 15 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Breuers in view of Piana. This rejection is respectfully traversed.

The examiner concludes that claim 15, line 5 is unclear, Applicants believe that the language of claim 15 is clear and the subject matter of the present invention is clearly specified in claim 15. Claim 15, line 5 has substantially the same contents as claim 14, lines 4 to 6, which the Examiner has not objected to. Thus, Applicants respectfully submit that claim 14, lines 4 to 6 is clear – just as claim 14 is clear.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 08-0750, under Order No. 5259-000042/US/NP from which the undersigned is authorized to draw.

Dated: November 18, 2005

Respectfully submitted,

By 

Gregory A. Stebb

Registration No.: 28,764

HARNES, DICKEY & PIERCE, P.L.C.

P.O. Box 828

Bloomfield Hills, Michigan 48303

(248) 641-1214

Attorney for Applicant

Attachments

AMENDMENTS TO THE DRAWINGS

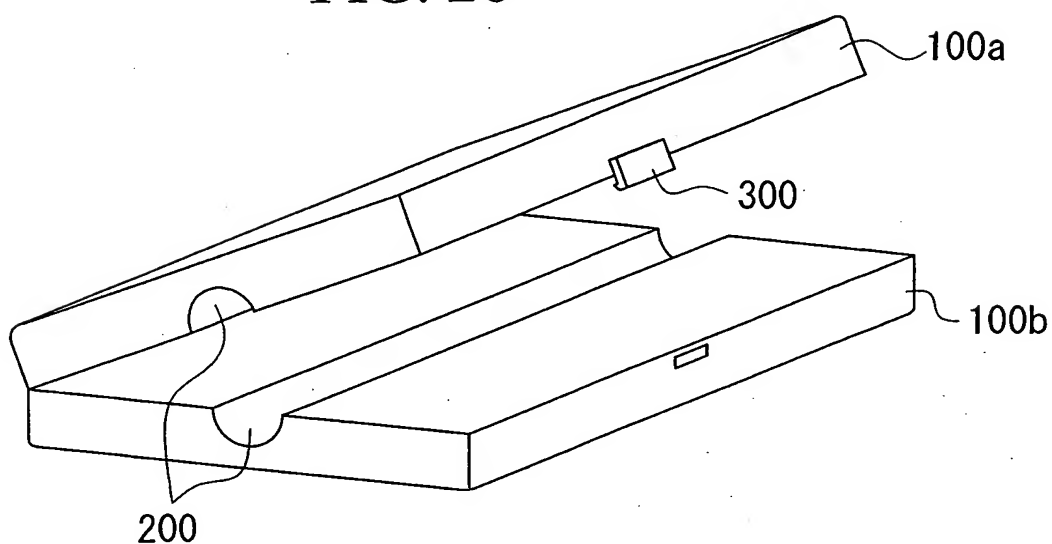
The attached "Replacement Sheets" of drawings include changes to Figures 28-33.
The attached "Replacement Sheets," which include Figures 28-33, replaces the original sheets including Figures 28-33.

Attachment: Replacement Sheet(s)

Annotated Sheet(s) Showing Changes

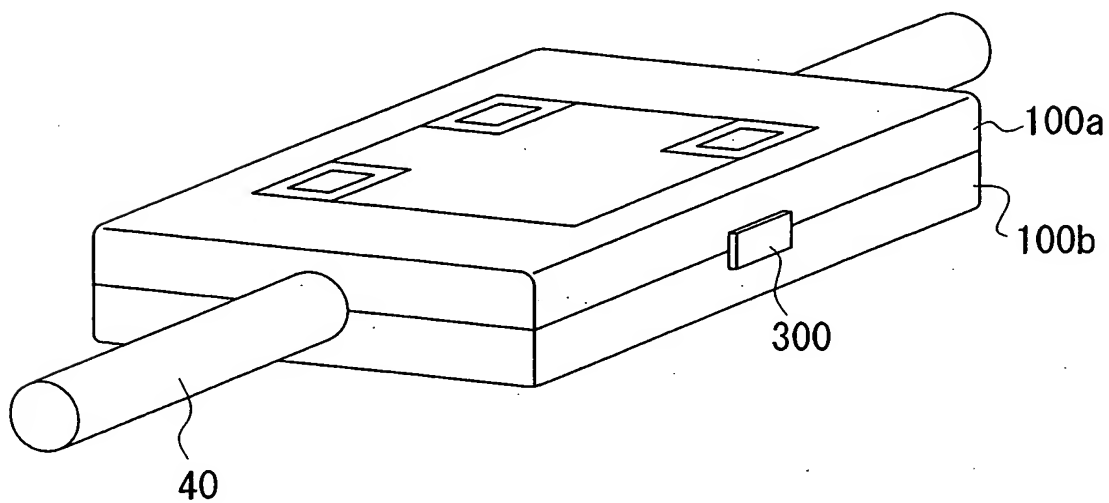
18/22

FIG. 28



PRIOR ART

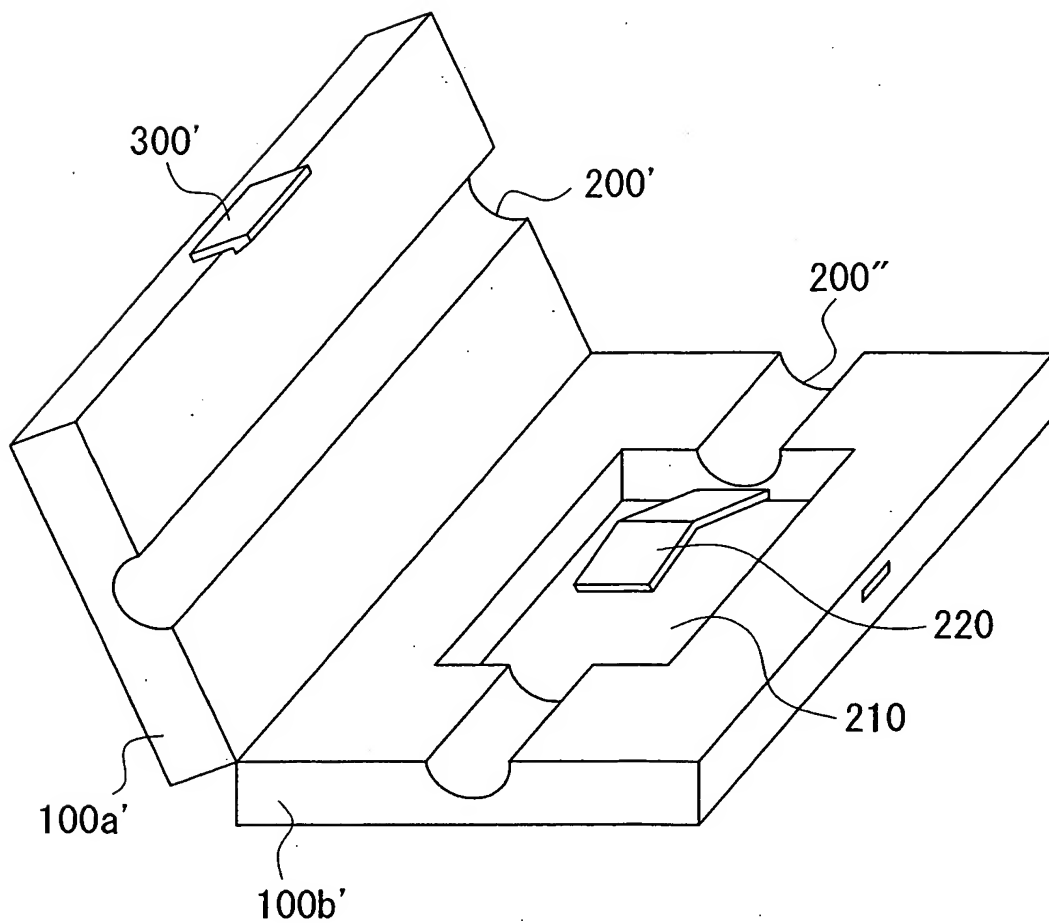
FIG. 29



PRIOR ART

19/22

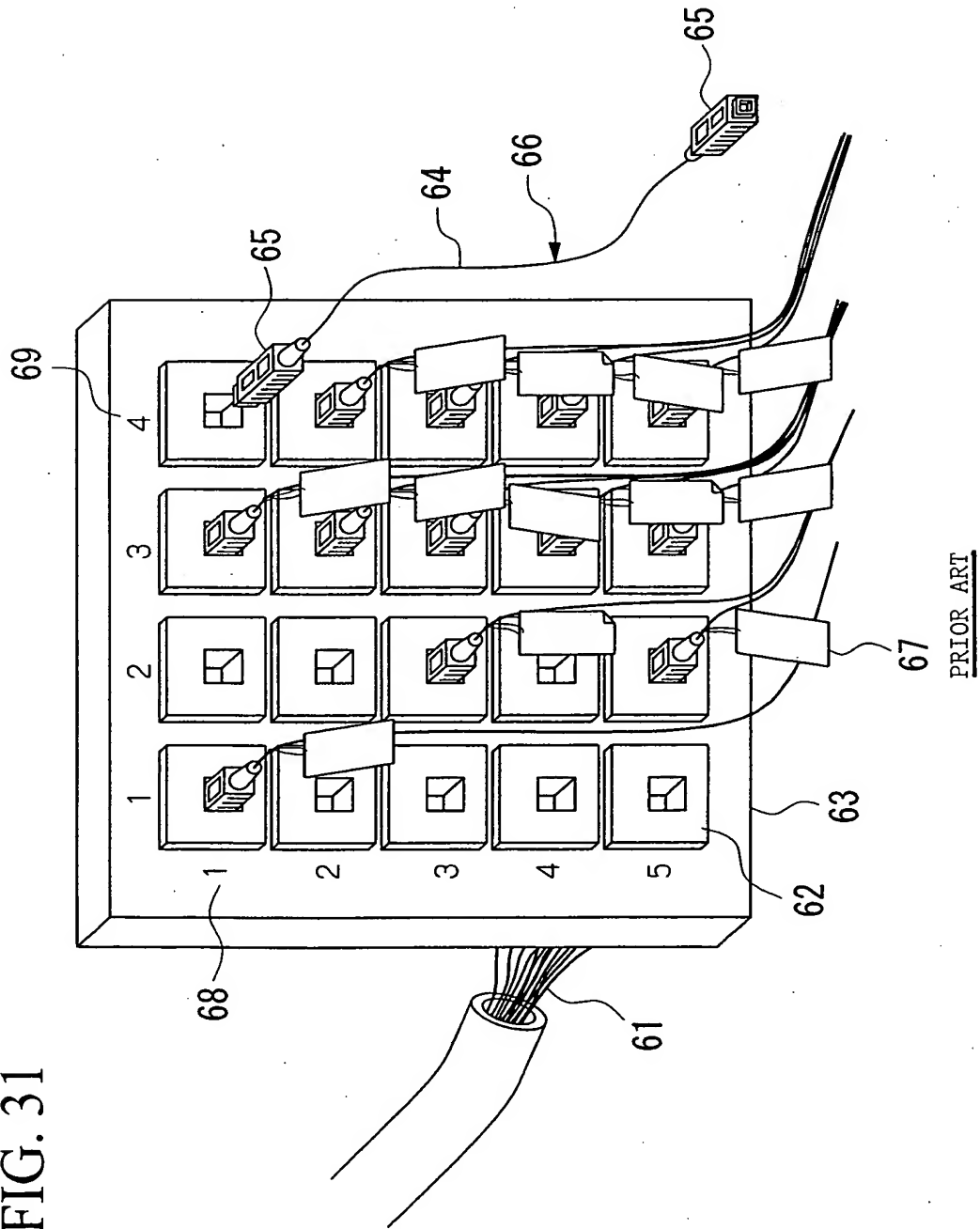
FIG. 30



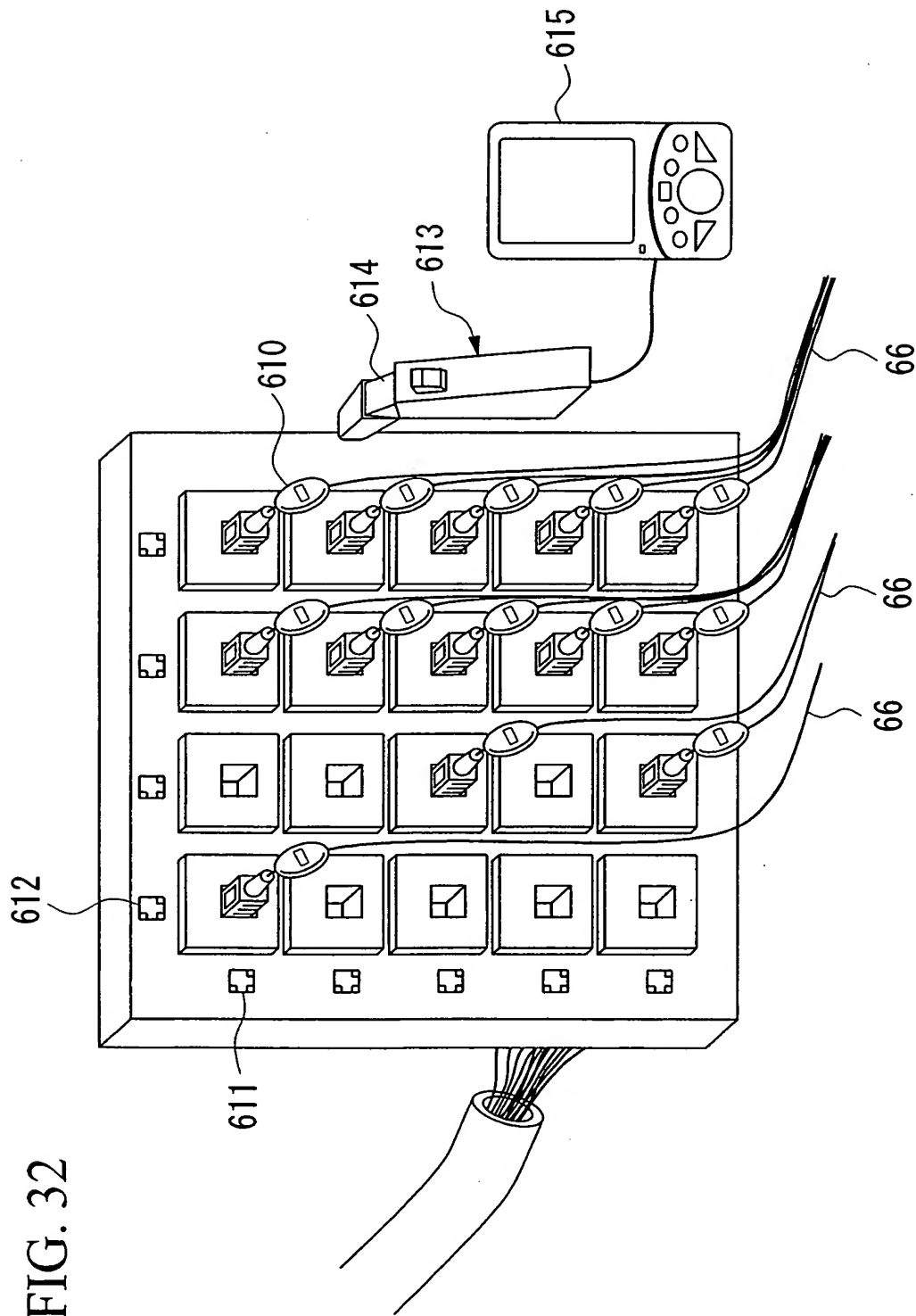
PRIOR ART

20/22

FIG. 31



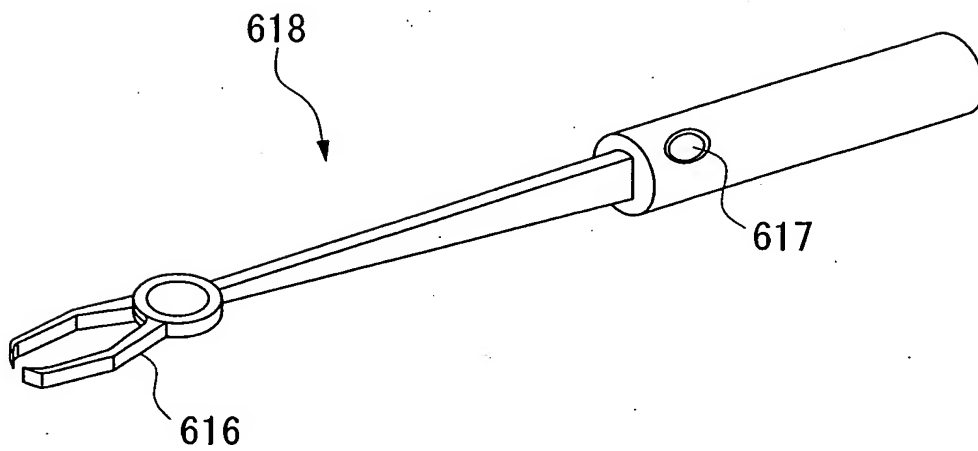
21/22



PRIOR ART

22/22

FIG. 33



PRIOR ART